

33579

VOLUNTARY AGREEMENT

Made this 9th day of July 2002 by and between Per Mamma Enterprises, Inc., T/A CAFE DI MAMMA (the Applicant) and Advisory Neighborhood Commission 3F, North Cleveland Park and Forest Hills (the ANC).

WHEREAS, pending before the District of Columbia Alcoholic Beverage Regulation Administration, is the Applicant's application for renewal of a Retailer's Class "CR" liquor license for its premises at 4483 Connecticut Avenue. NW, Application # 33579; and

WHEREAS, both Applicant and the ANC ("the parties") desire to enter into an agreement commemorating certain understandings regarding Applicant's operating plans;

NOW, THEREFORE, in consideration of the premises above recited, and the mutual covenants and promises set forth below, the parties agree as follows:

1. Applicant shall operate a *bona fide* restaurant on its premises.
2. The restaurant shall have a maximum of 45 seats for the exclusive use of dining patrons. Alcoholic beverages will be served primarily in conjunction with full meal service.
3. The bar shall have a maximum of 5 seats for the primary use of patrons waiting for dining service, patrons waiting to be joined by other patrons, and patrons waiting for carryout food service.
4. Applicant's hours of operation will be 10 a.m. to 12 midnight, Monday through Sunday.
5. Applicant shall offer food service to its patrons at all times it is open. At no time shall a patron be able to purchase an alcoholic beverage from the Applicant and not be able to purchase food from the Applicant. Applicant will not provide take-out alcoholic beverages.
6. Applicant plans to offer take-out food service, but will not offer delivery service and will not have delivery trucks.
7. Applicant shall present no form of live entertainment, with the exception of an unamplified guitar, and no form of recorded music other than soft background music for dining; provided, however, that no doors to the exterior of the restaurant shall be propped open at any time when music is being played in the restaurant. Applicant shall permit no form of dancing.

8. Applicant shall not install or utilize any equipment for the showing of videos or video games or juke boxes.
9. Applicant shall be prohibited from displaying any advertising banners, neon signs, or outside signage other than the sign permitted by zoning above its establishment. Applicant will post no signs advertising liquor sales, happy hours, or the like.
10. Applicant will care for the public spaces that border the restaurant on Connecticut Avenue, including provision of suitable plantings
11. Applicant shall comply with all aspects of the Civil Infractions Act and the Litter Control Administration Act. Applicant shall ensure that its trash is removed in a timely manner. Applicant shall ensure that trash receptacles remain closed and free of vermin at all times. Applicant will limit noise after closing when disposing of trash and bottles in the receptacles.
12. Applicant shall maintain its ventilating system in proper working order at all times and shall immediately address any neighborhood concerns regarding odors.
13. Applicant shall comply with Section 5(d)(3) of the D.C. Noise Control Act as it pertains to businesses and ensure that noise from all mechanical equipment (air-conditioning, refrigerator, heat pump, fan, or other mechanical equipment regardless of location) shall be prohibited in excess of sixty (60) dB (A) when measured at the property line or as close to the property line as practical if there is an obstruction.
14. An ABC licensed manager, conversant with all aspects of this agreement, shall be on site at Applicant's premises during all hours of operation.
15. Any and all contemplated changes to Applicant's operation, as set forth herein or otherwise, will be brought to the attention of the ANC prior to implementation and will be implemented only after ANC approval, and when required by rules and regulations, ABC Board approval.
16. In consideration of and in reliance upon the commitments reflected in paragraphs 1-15 above, the ANC will advise the ABC Board that it does not oppose Applicant's pending application for renewal of a Retailer's Class "CR" license.
17. The parties further agree that any failure of Applicant to adhere to the foregoing commitments would constitute grounds for the ANC to petition the ABC Board for issuance of an order to show cause to gain the Applicant's compliance with the terms of this Agreement.

Application # 33579

IN WITNESS WHEREOF, the parties have affixed hereunto their hands and seals
on the year and day first above written

APPLICANT, PER MAMMA ENTERPRISES, INC., T/A CAFÉ DI MAMMA

By: 

(Signature)

Name: Ignazio Bonanni

(Print)

Title: Pres.

ADVISORY NEIGHBORHOOD COMMISSION 3F

By: 

(Signature)

Name: Catherine J. Wiss

(Print)

Title: Chair, ANC 3F

#33579

AGREEMENT

Made this 19th day of June 2000 by and between Per Mama, Inc. t/a Café di Mama (the applicant) and Advisory Neighborhood Commission 3F, North Cleveland Park and Forest Hills (the ANC).

WITNESSETH

WHEREAS, pending before the District of Columbia Alcoholic Beverage Control Board (ABC) is Applicant's application for a Class CR license for premises 4483 Connecticut Avenue, NW – Washington, DC, ABC Application #33579; and
WHEREAS, the parties desire to enter into an agreement commemorating certain understandings regarding Applicant's operating plans;
NOW THEREFORE, in consideration of the premises above recited, and the mutual covenants and promises set forth below, the parties agree as follows:

1. Applicant shall operate a bona fide restaurant on its premises.
2. The restaurant shall have a maximum of 45 seats for the exclusive use of dining patrons. Alcoholic beverages will be served primarily in conjunction with full meal service.
3. The hours of operation will be 10:00am – 12:00pm (midnight) Monday through Sunday.
4. Applicant shall admit no patrons to its premises after the hour of 12:00pm (midnight).
5. Applicant shall present no form of live entertainment with the exception of an unamplified guitar and no form of recorded music other than soft background music for dining.
6. Applicant shall permit no form of dancing.
7. Applicant shall not install or utilize: any equipment for the showing of videos; juke boxes; or video games.
8. Applicant shall comply with all aspects of the Civil Infractions Act and the Litter Control Administration Act. Any alleged violations left uncorrected may be referred by the ANC to the appropriate agency.
9. An ABC licensed manager conversant with all aspects of this agreement shall be on-site at Applicant's premises during all hours of operation.
10. Any and all substantial changes to Applicant's operation, as set forth herein or otherwise will be brought to the attention of the ANC prior to implementation only after ANC and, when required by rules and regulations, ABC Board approval.
11. In consideration of, and in reliance upon, the commitments reflected in paragraphs 1 through 11 above, the ANC will recommend to the ABC Board non-objection to Applicant's pending license application.

12. The parties further agree that any failure of Applicant to adhere to the foregoing commitments would constitute grounds for the ANC to petition the ABC Board for issuance of an order to show cause pursuant to 23 DCMR 1513.5 to gain the Applicant's compliance with the terms of this Agreement.

IN WITNESS WHEREOF, the parties have affixed hereunto their hands and seals on the years and day first above written.

BY: [Signature]
Applicant

BY: W/A
Applicant

BY: [Signature]
ANC3F, Chair

**BEFORE
THE DISTRICT OF COLUMBIA
ALCOHOLIC BEVERAGE CONTROL BOARD**

In the Matter of :

Per Mama, Inc.
t/a Café di Mama

Application for a Retailer's Class
CR License – renewal

4483 Connecticut Avenue, N.W.
Washington, D.C.

Application no. 33579

David J. Bardin, Chair, on behalf of Advisory Neighborhood Commission 3F, Signatory

Ignazio Bonanni, President, on behalf of Applicant

**BEFORE: Roderic L. Woodson, Esquire, Chair
Vera Abbott, Member
Charles Burger, Member
Judy Moy, Member
Ellen Oppen-Weiner, Esquire, Member
Audrey E. Thompson, Member**

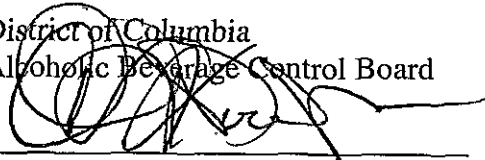
ORDER ON VOLUNTARY AGREEMENT

This matter came before the Board for approval on June 28, 2000. The signatories to the attached voluntary agreement dated June 19, 2000, submitted the agreement to the Board in accordance with 23 DCMR Section 1513 of the ABC Regulations (DCMR Title 23 June 1997).


Having determined that the modified agreement complies with all applicable laws and regulations, and that the applicant otherwise qualifies for licensure, the Board hereby does this 28 day of July 2000, **APPROVES** the license application conditioned on the Applicant's compliance with the terms of the voluntary agreement and **INCORPORATES** the text of the same into the Order.

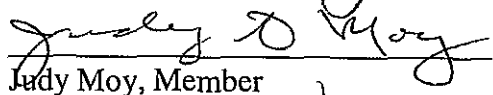
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t/a Café di Mama
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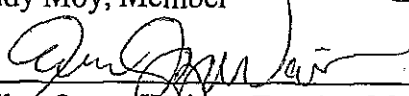
District of Columbia
Alcoholic Beverage Control Board

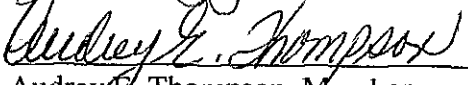

Roderic L. Woodson, Esquire, Chair


Vera Abbott, Member


Charles Burger, Member


Judy Moy, Member


Ellen Oppenheimer, Esquire, Member


Audrey E. Thompson, Member